

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

BRYDGE TECHNOLOGIES LLC, and
BRYDGE GLOBAL PTE LTD.,

Plaintiffs,

v.

KICKSTARTER, PBC, and OGADGET
LLC,

Defendants.

19 Civ. 5692 (EK) (CLP)

**DECLARATION OF ROBERT J. YORIO
IN SUPPORT OF MOTION
FOR DEFAULT JUDGMENT**

I, ROBERT J. YORIO, declare:

1. I am counsel for Brydge Technologies LLC (“Brydge Technologies”) and Brydge Global Pte Ltd. (“Brydge Global,” and together with Brydge Technologies, “Plaintiffs”) in the above-captioned action. I am not yet admitted Pro Hac Vice in this matter and Joshua B. Katz of the firm Kent, Beatty & Gordon LLP in New York is co-counsel in this case. I have personal knowledge of the matters set forth in this Declaration, and if called as a witness to testify herein I could and would competently so testify.

2. Before the filing of the Complaint in the above-captioned action on October 9, 2019 (hereinafter “Complaint”), our firm conducted a thorough infringement analysis of the Libra keyboard then offered for sale on Kickstarter.com at the project webpage with the URL: <https://www.kickstarter.com/projects/libra-keyboard/libra-turns-your-ipad-pro-into-a-macbook?> (“Kickstarter Libra Project”) to ascertain how the Libra keyboard compared to the claims in our client’s patent, U.S. Patent No. 9,069,527 (the “527 Patent”). The images and product information about the Libra keyboard used in this analysis are attached to the Complaint as Exhibit A. (D.I. 1-5). A true and correct copy of the Complaint (D.I. 1) is attached hereto as Exhibit 1 and made a part hereof. Defendant OGadget LLC (“OGadget”) did not answer or

otherwise respond to the Complaint and the Clerk of this Court entered its default on January 29, 2020. (D.I. 21). A true and correct copy of the Clerk's Entry of Default is attached hereto as Exhibit 2 and made a part hereof.

3. In addition, the Libra keyboard was compared to Brydge Technologies' product with a side-by-side comparison of the Brydge 12.9 Pro+ (Code Name Bilby 12.9 TP) to the Libra keyboard. That side-by-side comparison is detailed in Paragraphs 21-29 of the Complaint (D.I. 1) and Exhibit E attached thereto (D.I. 1-9). The comparison of the two keyboards indicated that the Libra keyboard was virtually identical to the Brydge 12.9 Pro+ keyboard which itself reads on the claims of the '527 Patent. Complaint, ¶¶ 21-29 and Exhibit E.

4. Our firm prepared claim charts of the '527 Patent compared with the Libra keyboard, and I believe that the Libra keyboard infringes at least claims 1, 2, 3, 4, 6, 7, 11, 13, 14, 15, 16, and 17 of the '527 Patent. The '527 Patent covers an apparatus for supporting a device including a keyboard; a frame; and a first device receiving member pivotally connected to the frame. In one aspect of the invention, the first device receiving member includes first and second clamp surfaces defining a generally "U"-shaped recess, the first clamp surface configured to receive a front portion of the device, and the second clamp surface configured to receive a back portion of the device opposite the front portion of the device. In another aspect of the invention, the rounded base portion of the first device receiving member protrudes beyond a bottom portion of the frame when in the open position but does not protrude beyond the bottom portion of the frame when in the closed position. OGadget's Libra keyboard infringes Claim 1 of the '527 Patent by, *inter alia*, providing an apparatus for supporting a device including a keyboard; a frame; and a first device receiving member pivotally connected to the frame. I believe that OGadget's Libra keyboard infringes Claim 1 of the '527 Patent because the first device receiving member includes first and second clamp surfaces defining a generally "U"-shaped recess, the first clamp surface configured to receive a front portion of the device, and the second clamp surface configured to receive a back portion of the device opposite the front portion of the device. Furthermore, I believe that OGadget's Libra keyboard infringes Claim 1 of

the ‘527 Patent because the rounded base portion of the first device receiving member protrudes beyond a bottom portion of the frame when in the open position but does not protrude beyond the bottom portion of the frame when in the closed position. OGadget’s Libra keyboard infringes Claim 2 of the ‘527 Patent because the insert is configured to mate with the first device receiving member, and a portion of the insert, when mated to the first device receiving member, resides within the “U”-shaped recess between the first and second clamp surfaces. OGadget’s Libra keyboard infringes Claim 3 of the ‘527 Patent because a second device receiving member is pivotally connected to the frame, and the second device receiving member includes first and second clamp surfaces defining a generally “U”-shaped recess, the first clamp surface is configured to receive a front portion of the device, and the second clamp surface is configured to receive a back portion of the device opposite the front portion of the device. For these and other similar reasons, I believe that the Libra keyboard product, infringes Claims 1, 2, 3, 4, 6, 7, 11, 13, 14, 15, 16, and 17 of the ‘527 Patent.

5. Following service of process on the Defendants and the subsequent funding of the Libra keyboard on the Kickstarter site, Defendant OGadget removed the Libra keyboard offering from its own website and on its social media sites, Facebook and YouTube. Shortly thereafter, the same offering of the Libra keyboard appeared on the Indiegogo crowdfunding site and indicated that an entity calling itself Sentis (without a full name or contact information) was the offeror of the Libra keyboard. This new offering of the Libra appears at the Indiegogo Libra Project webpage with the URL: <https://www.indiegogo.com/projects/libra-turns-your-ipad-pro-into-a-macbook#/> (“Indiegogo Libra Project”). A true and correct copy of that Indiegogo Libra Project webpage, downloaded on April 14, 2020 is attached hereto as Exhibit 3 and made a part hereof. Based on this new offering, OGadget and Sentis appear to have every intention of competing in the marketplace with Brydge Technologies with the same keyboard or substantially similar keyboards.

6. In my opinion, the keyboard being offered for sale and/or sold on the Indiegogo Libra Project also infringe Claims 1, 2, 3, 4, 6, 7, 11, 13, 14, 15, 16, and 17 of the ‘527 Patent by,

inter alia, providing an apparatus for supporting a device including a keyboard; a frame; and a first device receiving member pivotally connected to the frame. Even after admitting infringement of claims of the '527 Patent by the Libra keyboard in the Kickstarter Libra Project, the same infringing images for the offer for sale and/or sale of the Libra keyboard are being used in the Indiegogo Libra Project.

7. The creators of the Libra keyboard are using the same promotional sales video with the infringing design in the Indiegogo Libra Project as in the Kickstarter Libra Project. See the Indiegogo Libra Project promotional sales video at the URL: <https://www.indiegogo.com/projects/libra-turns-your-ipad-pro-into-a-macbook#/> and the Kickstarter Libra Project promotional sales video at the URL: <https://www.kickstarter.com/projects/libra-keyboard/libra-turns-your-ipad-pro-into-a-macbook/description>.

8. On April 13, 2020, Kickstarter produced a number of documents related to the Kickstarter Libra Project campaign conducted on its website. One of those documents showed the transmittal of funds raised for the Kickstarter Libra Project to a previously unknown entity, Gadget Labs Group LLC ("Gadget Labs"), on November 22, 2019. This document was marked confidential and the financial information and bank account information on the document was redacted by agreement with Kickstarter. A true and correct copy of that document as so redacted is attached hereto as Exhibit 4 and made a part hereof.

9. Gadget Labs is presently registered in Delaware and has an active registration. A true and correct copy of a Delaware Division of Corporations status on Gadget Labs, downloaded on April 13, 2020, is attached hereto as Exhibit 5 and made part hereof.

10. Gadget Labs also registered to do business as a foreign limited liability company in California in 2016, but that registration was canceled on March 6, 2020. A true and correct copy of the Statement of Information for Gadget Labs filed with the California Secretary of State on August 4, 2016 is attached hereto as Exhibit 6 and made a part hereof. A true and correct copy of the current status of Gadget Labs from the California Secretary of State showing the

cancellation of the foreign registration and downloaded on April 13, 2020, is attached hereto as Exhibit 7 and made a part hereof.

11. On March 17, 2020, Gadget Labs filed a new registration to transact business as a foreign entity in California. A true and correct copy of the current status of Gadget Labs from the California Secretary of State, albeit with a different registration number, is attached hereto as Exhibit 8 and made a part hereof.

12. In these filings, Gadget Labs lists the same address (340 S. Lemon Ave. Walnut, CA 91789) and the same Agent for Service of Process (Zhen Li) as Defendant OGadget. A true and correct copy of the proof of service on OGadget in this action (D.I. 11-3) is attached hereto as Exhibit 9 and made apart hereof.

13. I believe that the activities of the OGadget and Gadget Labs have injured and threaten future injury to Brydge Technologies. Unless enjoined, I expect OGadget and its partners (Gadget Labs and Sentis) to continue with the marketing and sale of a Libra keyboard that infringes the asserted claims of the '527 Patent.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th day of April 2020 at Burlingame, California.



ROBERT J. YORIO